

Applicant : Robert E. Ray, Jr. et al.  
Serial No. : 10/034,687  
Filed : December 20, 2001  
For : Electrochemical Cell Having Venting Current Collector and Seal Assembly

Art Unit: 1745  
Examiner: Gregg Cantelmo

### REMARKS

Claims 1, 16, 24 and 32 have been amended. Claims 1-44 remain in the application. Reconsideration and reexamination of the application, as amended, are respectfully requested.

Claims 1, 16, 24 and 32 have been amended to correct a typographical error. The word "seam" has been changed to --seal-- in each claim.

Claims 1, 16, 24 and 32 have also been amended to recite that the pressure relief passage is provided between the upstanding wall of the seal member and the current collector.

In the Office action mailed on December 1, 2003, the Examiner rejected claims 1-44 under 35 USC §112, second paragraph; claims 1-5, 7, 13-18, 20-24, 28-35, 37, 43 and 44 under 35 USC §102(b); and claims 6, 19 and 36 under 35 USC §103(a). The Examiner found claims 8-12, 25-27 and 38-42 to be allowable if rewritten to overcome the rejection under 35 USC §112, second paragraph.

The Examiner rejected claims 1-44 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The portions of independent claim 1, 16, 24 and 32 that were amended in the preliminary amendment filed on September 30, 2003, recited the limitation "the seam member"; the claims did not contain antecedent basis for this limitation. The Examiner correctly interpreted this term to be "the seal member". In the above amendment this has been corrected by changing "seam" to --seal-- to overcome the rejection under 35 USC §112, second paragraph.

The Examiner rejected claims 1-5, 7, 13-18, 20-24, 28-35, 37, 43 and 44 under 35 USC §102(b) as being anticipated by JP 59-033751-A (JP '751). Applicants respectfully disagree. Each of independent claims 1, 16, 24 and 32 recite that a pressure relief passage is provided between the upstanding wall of the seal member and the current collector to vent pressurized gases. JP '751 does not disclose a cell with a pressure relief passage provided between the upstanding wall of the seal member and the current collector. In JP '751 the pressure relief passage is provided within sealing body 6, specifically between parts 6a and 6b. For this reason, JP '751 does not contain each and every limitation of claims 1, 16, 24 and 32 and so does not anticipate claims 1-5, 7, 13-18, 20-24, 28-35, 37, 43 and 44. In addition, there is no suggestion

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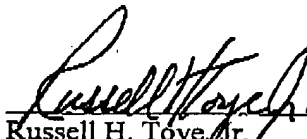
or teaching in JP '751 that the cell be so modified, so claims 1, 16, 24 and 32 are not obvious over JP '751.

The Examiner rejected claims 6, 19 and 36 under 35 USC § 103(a) as being unpatentable over JP '751 in view of U.S. Patent No. 5,888,909 (Pedicini). Claims 6, 19 and 36 contain the limitations of claims 1, 16 and 34, respectively, including the feature that a pressure relief passage is provided between the upstanding wall of the seal member and the current collector. As noted above, JP '751 does not disclose a cell with a pressure relief passage provided between the upstanding wall of the seal member and the current collector, nor does Pedicini, and there is no teaching or suggestion in either JP '751 or Pedicini to provide such a pressure relief passage. Therefore, claims 6, 19 and 36 are not rendered obvious by JP '751 or Pedicini, when considered either individually or in combination.

For the above reason, Applicants believe that claims 1-44 are now in condition for allowance. Withdrawal of the rejections and objections and allowance of claims 1-44 are requested.

Respectfully submitted,

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